

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
CRIMINAL JUSTICE**

**JULY 1997**

**MEMBERS:**

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Sen. William B. O'Gara  
Sen. Betty Lou Mitchell*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

**An Act to Make Appeals to the Law Court From Revocation of Probation Proceedings Conditional and to Clarify the Matter of Bail Pending Final Disposition of a Motion for Revocation of Probation**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-377
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LD 542 proposed to amend current law to provide guidance to the court in exercising its discretion to set bail or revoke bail in the context of a probation revocation proceeding.

The bill also proposed to amend current law to allow the Supreme Judicial Court by rule to condition an appeal to the Law Court upon the granting of a certificate of probable cause when the appeal is either by a person whose probation was revoked in the Superior Court or by a person whose probation was revoked in the District Court and who was unsuccessful before the Superior Court sitting as an intermediate appellate court. This bill was proposed by the Criminal Law Advisory Committee.

**Committee Amendment "A" (H-377)** proposed to specify that, when making decisions about bail in probation revocation proceedings, the court would have to be guided by the Maine Bail Code standards in the Maine Revised Statutes, Title 15, section 1051, subsections 2 and 3. The amendment also proposed to apply certain other provisions of the Maine Bail Code to probation revocation proceedings.

***Enacted law summary***

Public Law 1997, chapter 273 specifies that when making decisions about bail in probation revocation proceedings, the court must be guided by the Maine Bail Code standards in the Maine Revised Statutes, Title 15, section 1051, subsections 2 and 3. Public Law 1997, chapter 273 also amends current law to allow the Supreme Judicial Court by rule to condition an appeal to the Law Court upon the granting of a certificate of probable cause when the appeal is either by a person whose probation is revoked in the Superior Court or by a person whose probation is revoked in the District Court and who has been unsuccessful before the Superior Court sitting as an intermediate appellate court.

Public Law 1997, chapter 273 also applies the following provisions of the Maine Bail Code to probation revocation proceedings:

1. Title 15, chapter 105-A, subchapter IV regarding sureties and other forms of bail;
2. Title 15, chapter 105-A, subchapter V, articles 1 and 3 regarding enforcement; and
3. Title 15, section 1051, subsections 5 and 6 and section 1099-A, subsection 2 regarding appeals.

**An Act to Increase the Authorized Period of Probation**

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 543 proposed to increase the authorized periods of probation for Class A, B, C, D and E crimes as follows: For a Class A crime from 6 to 10 years, for a Class B or C crime from 4 to 6 years and for a Class D or E crime from one to 2 years.

**LD 545**                      **An Act to Enhance the Penalty for Operating a Motor Vehicle after Habitual Offender Revocation When the Actor Has Had a Prior Conviction for Operating after Revocation or Operating under the Influence within the Previous 10 Years**                      **PUBLIC 476**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-199
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LD 545 proposed to change the sentencing classification from a Class D to a Class C crime for operating a motor vehicle after habitual offender revocation if the offender were convicted of one or more habitual offender offenses or operating-under-the-influence or OUI offenses within the previous 10 years instead of the current 5-year time frame.

**Committee Amendment "A" (H-199)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 476 changes the sentencing classification from a Class D crime to a Class C crime for operating a motor vehicle after habitual offender revocation if the offender were convicted of one or more habitual offender offenses or operating-under-the-influence or OUI offenses within the previous 10 years instead of the current 5-year time frame. This change makes the habitual offender law consistent with the criminal OUI law that extended the time period for previous OUI offenses from 6 years to 10 years.

**LD 590**                      **An Act to Require Consecutive Sentences to Be Imposed on Habitual Offenders**                      **ONTP**

<u>Sponsor(s)</u> BOUFFARD CLEVELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 590 proposed to provide that a person who drives after that person's license has been revoked as an habitual offender and who also committed other motor vehicle violations while driving after revocation would have to be given consecutive sentences. This bill also proposed to allow the court to impose the appropriate sentence for both the operating after revocation and the other offenses, but required the driver to serve the operating after revocation sentence separately.